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From: Haurykiewicz, John M.

Sent: Tuesday, August 01, 2006 6:21 PM

To: Rfa-patents.comments

Subject: [Docket No: Docket No.: PTO-P-2006-0034];[FR Doc: E6-10564];[Page 38388-38389];
Small business size standards: Small business concern; definition; comment request

The following is a proposed correction for:

SIZE STANDARD FOR PURPOSES OF UNITED STATES PATENT AND TRADEMARK OFFICE
REGULATORY FLEXIBILITY ANALYSIS FOR PATENT-RELATED REGULATIONS Docket No.:
PTO-P-2006-0034]

In the Request for Comments, the statement is made:

The SBA defines a small business concern for the purpose of paying reduced patent fees as one: "(a) Whose number of employees, including affiliates, does not exceed 500 persons; and (b) Which **has not assigned, granted, conveyed, or licensed (and is under no obligation to do so)**...[emphasis added]

and the further statement is made:

The SBA-Advocacy, however, has questioned whether the USPTO's size standard is under-inclusive because it excludes "any business concern that **has assigned, granted, conveyed, or licensed (and is under no obligation to do so)**...[emphasis added]

This language is believed to be in error and could be corrected to say:

The SBA-Advocacy, however, has questioned whether the USPTO's size standard is under-inclusive because it excludes "any business concern that **has assigned, granted, conveyed, or licensed (or is under an obligation to do so)**

Alternatively, the language could read:

The SBA-Advocacy, however, has questioned whether the USPTO's size standard is under-inclusive because, for small entities, it only includes "any business concern that **has not assigned, granted, conveyed, or licensed (and is under no obligation to do so)**